

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

VICTOR NAUMOV,

No. 3:23-cv-01120-JR

Plaintiff,

ORDER

v.

SHELLPOINT MORTGAGE SERVICING,
a division of New Rez; WILMINGTON
SAVINGS FUND SOCIETY FSB; H&H
PREFERRED REAL ESTATE; and SAVE
ON RECYCLING AND TOWING,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Russo issued a Findings and Recommendation on September 29, 2023, in which she recommends that this Court grant Defendant Shellpoint Mortgage Servicing's Motion to Dismiss. F&R, ECF 9. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff did not timely file objections. Instead, Plaintiff filed a purported Second Amended Complaint with supporting documents attached, including a document titled “Response to Motion to Dismiss.” ECF 15. This filing does not object to or address the Findings and Recommendation and thus cannot be construed as objections to the Findings and Recommendation. Because Judge Russo did not grant Plaintiff leave to file an amended complaint, the Court strikes this filing as premature. On December 22, 2023, while the Findings and Recommendation were under advisement, Plaintiff moved to supplement the record. ECF 20.

Because no objections to the Magistrate Judge’s Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge’s report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error. The Court also considered Plaintiff’s Motion to Supplement the Record and concluded that it does not change the analysis.

//

//

//

//

//

//


//

CONCLUSION

The Court adopts Magistrate Judge Russo's Findings and Recommendation [9]. Therefore, Defendant Shellpoint Mortgage Servicing's Motion to Dismiss [4] is GRANTED. The Court STRIKES Plaintiff's Second Amended Complaint [15]. Plaintiff has leave to file a new Second Amended Complaint, addressing the deficiencies Judge Russo identified in the Amended Complaint, within 30 days of the date of this Order. Plaintiff's Motion to Supplement the Record [20] is DENIED. When filing a Second Amended Complaint, Plaintiff may attach documents in support of his claims.

IT IS SO ORDERED.

DATED: January 5, 2024 .


MARCO A. HERNANDEZ
United States District Judge